

Reference Number:

Dispatch Number: 051586
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Questioning

Appeal No.	Appeal No.2006-17895
(Patent Application No.)	(Patent Application No. 2003-113844)
Drafting Date	May 29, 2008
Chief Appeal Examiner of JPO	Haruki YAMAMOTO
Demandant	SONY COMPUTER ENTERTAINMENT INC.
Representative	Sakaki MORISHITA

Please see below the questioning with regard to the appeal case. If the applicant has any argument against the questioning, such argument should be submitted within 60 days from the date on which this questioning was dispatched.

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(Contents of the reconsideration by examiner before appeal)

Appeal No.	Appeal No.2006-17895
(Patent Application No.)	(Patent Application No. 2003-113844)
Examiner of JPO	Fumihiko IBATO 3665 5X00
Drafting Date	October 25, 2006

The report is hereby presented with regard to the application in which the appeal was filed.

Note

- Applied Provision: Patent Law Section 29(2)
- Claims: 1-11
- Publications: 1-7
- Reason of unpatentability

The amendment to Claims 1, 5, 6 and 8-11 is intended to restrict the claims by limitation of features.

In the "grounds of the demand", the applicant argues about the following three points for the basis of the patentability of the subject application, contending that the respective features are neither disclosed nor suggested in the cited documents:

(Allegation 1) The authentication server is managed by the maker of the terminals.

(Allegation 2) The management server for the IP address of the terminals is provided separately from the authentication server managed by the maker of the terminals.

(Allegation 3) The management server for the IP address of the terminals manages the matching of the communication partner between the terminals.

Consideration is made to Allegation 1. It is determined that cited documents 1-5 do not disclose the feature, whereby the authentication server is managed by the maker of the terminals. However, no notable technical effect is found in the feature, whereby the authentication server is managed by the maker of the terminals, and therefore the feature is merely a matter of design choice. (The applicant demands that the device ID of all the terminals may be controlled according to the feature, whereby the authentication server is managed by the maker of the terminals. However, it is obvious that the authentication server of a certain service manages the device ID of all the terminals which participate in the service even though the server administrator is not a maker of the terminals. Therefore, no notable effect is found in the feature, whereby the authentication server is managed by the maker of the terminals.)

Consideration is made to Allegation 2. It is well known as referred to in the reason(s) of refusal to provide the management server for the IP address of the terminals separately from the authentication server. (See cited document 6, paragraph [0042] if necessary.) Therefore, a skilled person could have appropriately chosen the configuration according to the size of the service subject to offering.

Consideration is made to Allegation 3. It is a common practice to adopt the configuration wherein the management server for IP address of the terminals

administrates the matching of the communication partner between the terminals. (See cited document 7, paragraphs [0037]-[0051], for example.) Therefore, no notable difficulty is found in adopting the well known technology in the system disclosed in cited document 1.

Accordingly, the inventions according to Claims 1-11 of the subject application as amended could have easily been arrived at by a skilled person based on the inventions described in cited documents 1-6.

Accordingly, the inventions in claims 1-11 of the subject application as amended should not be patented independently.

Accordingly, the amendment should be dismissed under Patent Law Section 53(1) since it does not comply with Section 126(5) as applied *mutatis mutandis* under Section 17bis(5).

This application should be refused for the reason(s) mentioned in the decision of refusal.

(Claims 6-11 as amended fail to describe the configuration for the basis of Allegation 3. Accordingly, Claims 6-11 do not involve in an inventive step without detailed consideration to Allegation 3.)

The list of cited documents, etc.

1. JP 2002-325086 A
2. WO 02/052784
3. JP 11-205335 A
4. JP 2003-76714 A
5. Guido Appenzeller et al., User-Friendly Access Control for Public Network Ports, INFOCOM'99. Eighteenth Annual Joint Conference of the IEEE Computer and Communication Societies, US, IEEE, March 1999, Vol.2 On pages 21-25
6. JP 2002-208965 A
7. JP 2002-239245 A

(Cited documents 1-5 are cited in the reason for refusal, cited document 6 is referenced as a well-known art and cited document 7 is newly cited in the of the reconsideration by examiner before appeal.)